

TAB N

Stevens, Michael 24725sm

www.floridarealtime.com

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04 11402 NMG

CYCLE-CRAFT CO., INC., D/B/A
BOSTON HARLEY-DAVIDSON/BUELL,

Plaintiff,

vs.

HARLEY-DAVIDSON MOTOR COMPANY, INC.
AND BUELL DISTRIBUTION COMPANY, LLC,

Defendants.

Rice Pugatch Robinson & Schiller, P.A.
33 N.E. 2nd Street
Suite 101
Fort Lauderdale, Florida
Friday, February 25, 2005
Scheduled for 1:00 a.m.
Commenced at 1:13 p.m. to 3:05 p.m.

VIDEOTAPED DEPOSITION

OF

MICHAEL STEVENS

ORIGINAL

Stevens, Michael 24725sm

www.floridarealtime.com

1 MR. BENSON: Use separate ones.

2 MR. REHNQUIST: Separate ones? Okay.

3 THE WITNESS: I have that -- that's this,
4 right?

5 MR. BENSON: Yeah.

6 (Thereupon, Exhibit 1 was marked for
7 Identification.)

8 BY MR. BENSON:

9 Q. Can you identify what's been marked as
10 Exhibit Number 1 as the subpoena that you received in
11 this matter?

12 A. It is.

13 MR. REHNQUIST: This is 1, Bill?

14 MR. BENSON: Yes. Can you mark this as
15 Exhibit Number 2?

16 (Thereupon, Exhibit 2 was marked for
17 Identification.)

18 BY MR. BENSON:

19 Q. I will show you, Mr. Stevens, what's been
20 marked as Exhibit Number 2, which was previously
21 marked at the deposition of Deborah Lunsford as
22 Exhibit Number 16, and just take a look at these pages
23 and let me know whether you recognize these documents?

24 A. They're SWR forms.

25 Q. And do you recall whether these were the

Stevens, Michael 24725sm

www.floridarealtime.com

1 forms that were sent to DC Imports by Boston Harley
2 Davidson?

3 A. They look like them.

4 Q. And I'm still going to have a few other
5 questions on them.

6 A. Okay.

7 Q. And do you recall what information you
8 provided for these SWRs?

9 MR. REHNQUIST: Object to the form.

10 A. I filled all my information and signed it.

11 Q. Let's take a look at a couple of these
12 documents. If you look at the first page, James
13 Gusoff, do you recognize any of the writing on that
14 document?

15 A. No.

16 Q. If you look at the second page for Daniel
17 Gusoff, do you recognize any of the writing on that
18 page?

19 MR. REHNQUIST: I'm sorry, just to -- do
20 you mean the handwriting?

21 BY MR. BENSON:

22 Q. Handwriting or the signature?

23 A. No.

24 Q. So you weren't involved in preparing this
25 document?

Stevens, Michael 24725sm

www.floridarealtime.com

1 MR. BENSON: About midway, 749 is the
2 Bate's number.

3 MR. REHNQUIST: Got it. Thanks.

4 BY MR. BENSON:

5 Q. And I believe you testified earlier that
6 the SWRs you received from Boston Harley Davidson were
7 highlighted in certain places?

8 A. I believe they were. I know the buyers
9 orders were. I'm sure that if they were, these most
10 likely were, too.

11 Q. And do you recall the SWRs being
12 highlighted?

13 A. I'm not a hundred percent sure.

14 Q. And were you responsible for compiling
15 these SWRs?

16 A. Once they were completed, yes.

17 Q. And were you the one who sent them back to
18 Boston Harley Davidson?

19 A. I did.

20 Q. And who did you send them to the attention
21 to?

22 A. Ron Buchbaum.

23 MR. BENSON: I would like for you --
24 actually, why don't we mark this as Exhibit 3.

25 (Thereupon, Exhibit 3 was marked for